

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24997 of 1999

Between:

Mohd.Shareefuddin, H.No.3-3-29, Madina Masjid,
Mahaboobnagar.

..... PETITIONER

AND

- 1 A.P.S.R.T.C., Rep. VC & MD., Musheerabad, Hyderabad.
- 2 A.P.S.R.T.C., Rep. Regional Manager, Jubilee Bus Station, Hyderabad.
- 3 A.P.S.R.T.C., Rep. Depot Manager, Mehdiapatnam Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to fix the pay of the petitioner duly taking into account of two special Grade increments payable to the petitioner as per the circulars PD NO 65/89 dated 03/06/1989 and PD No.20/98 dated 21/02/1998 in the post of conductor and controller and pay the arrears.

Counsel for the Petitioner:MR.V.R.BALACHARI

Counsel for the Respondents: Mr. V.T.M.Prasad.

The Court made the following:

ORDER:

This writ petition is filed seeking a Mandamus directing the respondents to fix the pay of the petitioner duly taking into account the two Special Grade increments payable to the petitioner as per Circulars PD No. 65/89 dated 03-06-1989 and PD No.20/98 dated

21-02-1998 in the posts of Conductor and Controller and to pay the arrears accrued thereof.

It is the case of the petitioner that he was appointed as Conductor in the respondents-Corporation in the year 1968. Subsequently, he was promoted to the post of Controller with effect from 13-07-1985 and thereafter, promoted as Depot Clerk with effect from 07-05-1998. He has stated that he is entitled to the Special Grade increments as per Circular PD NO. 65/89, dated 03-06-1989, since he had completed 12 years of service in the post of Conductor as well as in the post of Controller. Though he was promoted as Depot Clerk, his Special Grade increments in the cadres of Conductor and Controller were not released. The grievance of the petitioner is that as he was promoted to the post of Depot Clerk and completed 12 years of service in the cadres of Conductor as well as Controller, he is entitled for being sanctioned with Special Grade increments in the above said cadres. Therefore, he made representations to the respondents-Corporation, but there was no response. Aggrieved by the same, he filed the present writ petition seeking implementation of the circular dated 03-06-1989 as well as the Circulars issued from time to time for sanctioning Special Grade increments for

completing 12 years of service in a particular post without any promotion.

Sri V.T.M. Prasad, learned Standing Counsel for the respondents-Corporation contended that the petitioner was promoted to the post of Controller even before the introduction of Special Grade increments by Circular dated 03-06-1989 and further, he has been promoted from the cadre of Controller to the post of Depot Clerk. Therefore, as there was no stagnation in the cadre of Conductor and Controller, he is not entitled to sanction of Special Grade increments.

Be that as it may, without expressing any opinion on merits, the petitioner is directed to make a fresh representation within one month from today and the respondents-corporation shall receive the same and pass appropriate orders in accordance with law within a period of two weeks thereafter and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No costs.

22-07-2005

Note: CC by one week

B/o Mjl/*

To,

1. The Vice Chairman & Managing Director, A.P.S.R.T.C.,
Musheerabad, Hyderabad.

- 2 The Regional Manager, A.P.S.R.T.C., Jubilee Bus Station, Hyderabad.
- 3 The Depot Manager, A.P.S.R.T.C., Mehdiapatnam Depot, Hyderabad.
4. 2 CD copies.

*Form-NIC-OGS/WP{**ESWAR**}*